

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED FOOD AND COMMERCIAL WORKERS
UNIONS AND EMPLOYERS PENSION PLAN,
DANIEL WELCH and JOHN DOUGHERTY,

Plaintiffs,

v.

Case No. 07-CV-29

MAROG, INC. d/b/a ROGER & MARV'S SUPERVALUE,
and ATJ FOODS, INC.,

Defendants and Third Party Plaintiffs,

v.

METCALFE FOODS-TOSA, LLC
and SUPERVALU HOLDINGS, INC.

Third Party Defendants.

ORDER STAYING PROCEEDINGS

Based on the Parties' Joint Motion to Stay Proceedings, the Court hereby **ORDERS** the following:

1. By virtue of various agreements between them (collectively referred to as "Agreements"), Marog, ATJ, SuperValu and Metcalfe agree that they must engage in mediation and binding arbitration. Therefore, Marog's and ATJ's Third Party Complaint against Metcalfe and SuperValu, SuperValu's Motion and Metcalfe's Motion are hereby stayed so said parties can engage in mediation and, if necessary, binding arbitration.

2. While the Plaintiffs are not a party to the Agreements between Marog, ATJ, SuperValu and Metcalfe, the Parties agree that Plaintiffs should participate in any mediation of this matter. Therefore, the Plaintiffs shall be allowed to fully participate in such mediation. Therefore, the Plaintiffs' Cross Claim against SuperValu and

SuperValu's Motion seeking to dismiss that Cross Claim are hereby stayed so all Parties may engage in mediation

3. The Parties shall expeditiously engage in mediation.

4. In the event mediation does not fully resolve this case, counsel for the Parties shall confer within ten (10) business days after mediation to determine how to proceed in this matter. The Parties shall then advise this Court within fourteen (14) calendar days thereafter whether the stay imposed by this Order should remain in effect as to some or all of the claims and parties involved in this action.

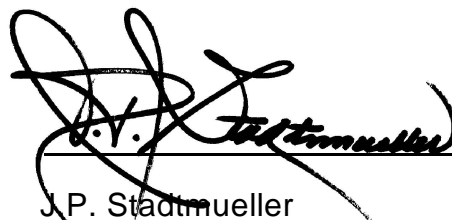
5. In the event mediation does not fully resolve this case, SuperValu shall have no less than thirty (30) days (or such other reasonable time as negotiated with Plaintiffs' counsel) to respond to Plaintiffs' First Set of Discovery Requests Upon Third Party Defendant SuperValu Holdings, Inc. Neither SuperValu nor the Plaintiffs shall be prejudiced by the tolling of discovery.

6. Nothing herein shall stay Plaintiffs' Motion for Summary Judgment against Marog and ATJ. Unless otherwise so agreed, Marog and ATJ's response to said motion must be filed by the date set forth by local rules.

SO ORDERED.

Dated at Milwaukee, Wisconsin, this 1st day of May, 2008.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge